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11
12 **UNITED STATES DISTRICT COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**
14 **OAKLAND DIVISION**

15 SmithKline Beecham Corporation d/b/a/
GlaxoSmithKline,

16
17 Plaintiff,

18 v.

19 Abbott Laboratories,

20 Defendant.

) **Case No. C07-5702 (CW)**

)
) *Related per November 19, 2007 Order to*
) **Case No. C-04-1511 (CW)**

)
) **DECLARATION OF SARA M. BASON IN**
) **SUPPORT OF GLAXOSMITHKLINE'S**
) **OPPOSITION TO MOTION OF ABBOTT**
) **LABORATORIES TO TRANSFER**
) **PURSUANT TO 28 U.S.C. § 1404(a)**

21) **Date: March 6, 2008**

22) **Time: 2:00 p.m.**

23) **Courtroom: 2 (4th Floor)**

24) **Judge: Hon. Claudia Wilken**

25
26 **UNREDACTED VERSION**
27
28

1 I, Sara M. Bason, declare as follows:

2 1. I hold the position of Commercial Data Advisor at Plaintiff SmithKline Beecham
3 Corporation, d/b/a GlaxoSmithKline ("GSK"), and am authorized to make this Declaration in that
4 capacity. I have personal knowledge of the facts and circumstances set forth in this Declaration.
5 If called as a witness, I could and would testify competently to the matters set forth herein. I make
6 this Declaration pursuant to Civil L.R. 7-5(a)

7 2. As part of my position at GSK, I receive and work with sales information
8 concerning GSK's HIV/AIDS pharmaceuticals, including protease inhibitors. GSK maintains and
9 considers various sources of information regarding protease inhibitors. These include internal
10 records of gross sales data concerning protease inhibitors and medical data on the HIV/AIDS
11 disease compiled by third parties, like the Henry J. Kaiser Family Foundation. I have reviewed
12 these sources in submitting this declaration.

13 3. California is a very important geographic market for GSK's HIV/AIDS
14 pharmaceuticals. California has one of the largest populations of individuals living with
15 HIV/AIDS. For example, the State Health Facts website maintained by the Henry J. Kaiser
16 Family Foundation and located at <http://www.statehealthfacts.org>, reports that as of the end of
17 2005, there were an estimated 58,906 people in California living with AIDS. *See* Exhibit 1. This
18 is the second largest population of individuals living with AIDS of any state, and represents an
19 estimated 13.6 percent of the total number of people living with AIDS in the United States. *See*
20 Exhibit 2. My review of the website also shows that through 2005, 14.5 percent of all AIDS cases
21 in the nation have been in California. This percentage is only second to New York state. *See*
22 Exhibit 3. A true and correct copy of certain pages from the Henry J. Kaiser Family Foundation
23 State Health Facts website, printed on February 6, 2007, is attached as Exhibits 1, 2 and 3 to this
24 Declaration.

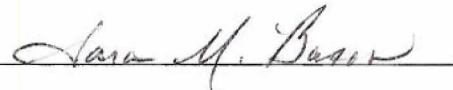
25 4. Because California has one of the highest incidences of HIV/AIDS in the nation,
26 California remains one of the most important states for sales of protease inhibitors. Based on my
27 review of GSK internal gross sales data for the years 2005 to 2007, I am able to conclude that
28 California is the third largest state in the nation for sales of GSK's protease inhibitors. By

1 contrast, during the same period, GSK's protease inhibitor sales in Illinois were about one-eighth
2 as much as its sales in California, meaning that Illinois accounted for less than 1 percent of GSK's
3 total gross sales in protease inhibitors during that time period.

4 5. California also remains an important state for GSK's pharmaceutical business
5 generally. For example, GSK has nearly 1,000 employees located in California, and two regional
6 service offices – one in La Jolla and another in San Ramon. Of all states in the nation, California
7 receives the most money in clinical grants from GSK – over \$21 million in 2006. In addition,
8 GSK provided over \$15 million in 2006 to California patients for assistance programs, including
9 those concerning HIV/AIDS.

10 I declare under penalty of perjury under the laws of the United States of America that the
11 foregoing is true and correct.

12 Executed in RTP, North Carolina, this 13th day of February, 2008

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